REMARKS/ARGUMENTS

This is responsive to the non-final Office Action dated May 5, 2006.

A petition for extension of time is being filed simultaneously by EFS-WEB.

Claims 15-27, 29-32, 34 and 47-64 are pending and have been rejected as either anticipated or obvious in view of JP '651.

In a telephone interview on August 25, 2006, claims "15A" and "15B" which correspond respectively to amended claim 15 and new claims 65/66 were discussed. It was agreed that claim 15B was allowable over JP '651. No agreement was reached on claim 15A. It is again submitted that claims 15 and 47, as amended, are patentably distinct from the prior art, for the following reasons.

First, each of claims 15 and 47 recites as follows:

"wherein said one wall portion includes at least one opening and the battery terminal contact point extends inward from said one wall portion through the at least one opening, and a remaining portion of said battery terminal contact region is located outside said one wall portion."

As shown in Fig. 2, the "battery terminal contact point" is only one portion of the "distal free end" 7 of the wire, which is part of the "battery terminal contact region" 2, which in turn extends from the first end of the "torsional region" 4. The claim recites that another "remaining portion" of the "battery terminal contact region" (this remaining portion being seen as a vertical portion of the wire in dotted lines in Fig. 2) , is located outside the wall 5.

In the Office Action, regarding this clause of claim 1, the Examiner stated that "a portion of th battery contact appears to be located behind the wall of the battery holder (see dotted line at the top of Fig. 8)." However, the portion in dotted lines in Fig. 8 is clearly the "torsional region" 42 in JP '651, and does not correspond to either the battery terminal contact point which is inside the wall, or the remaining portion of the battery terminal contact region, which is outside the wall. The reference is silent as to this claimed feature, and the drawings neither clearly show nor suggest it. For at least this reason, claims 15 and 47 should be allowed.

Further, claims 15 and 47 also state as follows:

"wherein said battery contact is supported by said battery receiving member in a manner to hold said restraining leg in a condition such that when a force is applied to said battery terminal

contact region by said battery, the torsional force of said torsional region biases said battery terminal contact point towards said battery terminal ...."

As seen in Fig. 2, and described in the text, the restraining leg 3 engages the wall 5 so that when the battery applies force to the battery terminal contact region (into the page in Fig. 2), the restraining leg 3 prevents the torsional region 4 from rotating so that "the torsional force of said torsional region biases said battery terminal contact point towards said battery terminal ...."

In contrast, in JP '651, particularly in Fig. 6 (although, again, the drawing and text do not teach a clear relationship between the wire and the wall of the battery case), a portion of the wire (near 35) extends straight through the wall before beginning to curve to form the spring 33. Thus, there is play in the overall wire structure; so that, if the torsional region 42 were twisted by a bending of the contact 36 into the page in Fig. 6, then to an extent the spring 33 would be shifted toward the wall, rather than immediately engaging the wall.

Thus, it is neither disclosed nor taught that upon a twist of the torsional region, "the torsional force of said torsional region biases said battery terminal contact point towards said battery terminal ...." At least to an extent, due to the play in the movement of the spring toward and away from the wall, there will be a portion of the time when a force is applied by the battery to the contact region, when the contact region will not be biased back toward the battery terminal. For this reason as well, claims 15 and 47 should be allowed.

Note also claims 18 and 50, which recite that "said restraining leg is in use rigidly held by said one wall portion" and "said battery terminal contact region is resiliently rotatable about said axis of said torsional region." Again, JP '651 apparently does not teach or intend to hold a restraining leg rigidly against its wall, but instead its "restraining leg" (the spring 33) is merely near the wall.

New claims 65 and 66 are also allowable, for the reasons above, and because as agreed in the telephone interview, the reference does not suggest the claimed features.

New claims 67 and 68 are a slightly broader version of claims 65 and 66 and are submitted to be allowable for the same reasons.

Finally, claims 69 and 70, supported by Fig. 2 and the corresponding text, recite that the restraining leg passes through an opening in a second wall portion, which extends from the first-

mentioned wall portion having the battery contact, the opening being between the torsional region and the first wall portion. As seen in Fig. 2, there is a second wall at the bottom of the figure, and the restraining leg 3 passes through a hole in this second wall, before extending upward to engage the first-mentioned wall portion 5. In JP '651, any restraining leg that may exist there is adjacent to, passes through, and/or engages only one wall, not a first wall and a second wall as claimed in claims 69 and 70. These claims are therefore distinguishable from the reference.

In view of the foregoing amendments and remarks, allowance of claims 15-27, 29-32, 34 and 47-70 is requested.

FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being sent via facsimile (571) 273-8300 to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on November 6, 2006:

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Respectfully submitted,

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